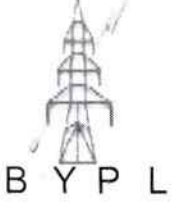


C G R F



Consumer Grievance Redressal Forum  
FOR BSES YAMUNA POWER LIMITED  
(Constituted under section 42 (5) of Indian Electricity Act. 2003)  
Sub-Station Building BSES (YPL) Regd. Office Karkardooma,  
Shahdara, Delhi-110032  
Phone: 8010939760  
E-mail: carfbvpl@hotmail.com

Complaint No.CG-72/2021

**RAMIT VOHRA**

Vs

BSES YAMUNA POWER LIMITED (D) PHG

ORDER SHEET

Date: 13.08.2021 / 17.08.2021

Present:

1. Mr. Anurag Sharma, Counsel of the complainant and Complainant
2. Mr. Imran Siddqi, Ms. Ritu Gupta & Ms. Shweta Chaudhary, on behalf of BYPL

Complainant along with counsel is present. Respondent is present and filed their reply. Respondent raised objection that this matter is not maintainable before the Forum because the complainant prior to approaching the Forum has approached PG Cell on the same subject matter in which PG Cell has passed order on dated 06.12.2018 that respondent is directed to release the connection after fulfilling the commercial formalities.

Again the complainant approached Permanent Lok Adalat and the final award has been passed on 26.03.2021, as per para 4 of the award on payment of Rs. 25000/-, the respondent is directed to release the connection on request within seven days after fulfilling the commercial formalities.

The complainant made complaint before the Forum that respondent is harassing and not releasing the connection. The complainant approached the Forum for releasing of the connection and challenging the commercial formalities required by the respondent.

The Forum asked the complainant to submit the documents before the Forum but the complainant did not agree to file it again before the Forum and stressing

Shankar

[Signature]

Anurag  
17.08.2021

only on the basis of receipt of DDA but not filing the allotment/possession letter of DDA. As per Section 10, Sub-section 3 the proof of ownership and occupancy as per DERC guidelines, there are 8/9 in numbers of the requirement from which complainant has to submit only one legal proof which he is not ready to submit. The complainant is stressing to release connection on the basis of Section 4 Para 9 of the Government Notification dated 31.12.2020. *Later the complainant e mailed copy of mutation papers related to ownership proof of the subject premises.*

As per the opinion of Member (Law) the Right to Consumer, notified on 31.12.2020, by the Ministry of Power, Central Government. As the complainant stressing on rule 4, Sub-section 9, narrated below;

4 (9) For new connections up to a load of 10 kW or such higher load as may be specified by the Commission, the application form shall be accompanied with only two mandatory documents-

- (1) identity proof (i.e. Passport, Aadhar Card etc.) of the applicant; and
- (2) proof of applicant's ownership or occupancy over the premises for which new connection is being sought or in the absence of any proof of ownership or occupancy, any other address proof not given as part of identity proof under (1) above. For new connections beyond the specified load, and modification of existing connection, the Commission shall explicitly specify the documents required to be submitted with the application.

But this notification, in my knowledge/information is not included in DERC Guidelines 2017. If respondent wants they can seek clarification from DERC in this above stated notification.

This Forum has no jurisdiction to entertain this complaint as per CGRF Regulation 13 (1). Once the matter was heard/settled/decided/decreed/award has been passed by any competent court, so the Forum cannot entertain this complaint on the same subject matter for releasing the connection. As per the Regulation stated below:-

**As per Section 13 (i) of CGRF Regulations 2018**, the Forum has no jurisdiction to entertain the complaints which are already decided by any competent court or authority or Forum. The said Section is narrated below for reference.

### 13. Limitation of Jurisdiction of the Forum

- (1) The Forum shall not entertain a grievance if it pertains to the same subject matter for which any proceedings before any court, authority or any other Forum is pending or a decree, award or a final order has already been passed by any competent court, authority or forum.

*flankhd*

*[Signature]*

*Ann*  
17.08.2021

Moreover, the above referred CGRF Regulation, the forum has no jurisdiction to entertain the complaint once the matter was heard/settled/decided/decree/award has been passed by any competent court, so, the Forum cannot entertain this complaint on the same subject matter for releasing the connection. For releasing the connection of the complainant as decided by PG Cell on dated 06.12.2018, respondent is directed to release the connection after fulfilling the commercial formalities and PLA order dated 26.03.2021, that the respondent is directed to release the connection after fulfilling the commercial formalities. So, this forum has no jurisdiction to entertain the present case. The complainant may approach the appropriate court of law for implementation of P G Cell and PLA orders.

In the opinion of Chairman, as per Regulation 3 (1) of DERC Regulations 2017, narrated below:

**3. Interpretations:-** (1) These Regulations shall be interpreted and implemented in a manner not inconsistent with the provisions of the Act and the Rules and Regulations made thereunder.

Therefore, the Electricity (Rights of consumers) Rules 2020 as made by Central Government in exercise of the powers conferred by Section 176 of Electricity Act 2003, are applicable from the date of notification i.e. w.e.f. 31-12-2020.

However, we direct the respondent to consider the request of the complainant for release of connection through pre-paid meter in light of Electricity (Right of Consumer) Rule 2020, as electricity being necessity.


The case is disposed off as above.



(HARSHALI KAUR)  
MEMBER (CRM)



(VINAY SINGH)  
MEMBER (LEGAL)

my decision is  
based on my opinion.  




(ARUN P. SINGH)  
CHAIRMAN

17-08-2021

